

REMARKS/ARGUMENTS

Claims 1 through 55 are pending in this application. The Office Action concedes that the subject matter of claims 13, 28 and 43 is allowable, but asserts that these claims are objectionable because they are dependent upon a rejected base claim.

The Office Action rejects claims 1-11, 14-26, 29-41, 44-45, 48 and 53-55 under 35 U.S.C. §102(b) as being anticipated by Flynn (UK Patent No. 2,317,608). Flynn fails to disclose or suggest the elements of claims 1-11, 14-26, 29-41, 44-45, 48 and 53-55.

Claims 1, 15, 30 and 53 each have the feature of the passageway having a cross-sectional area that is small enough to substantially prevent air from flowing past fluid in the passageway when the cup is tilted or inverted. Flynn utilizes a passageway that requires the fluid to "flow through three substantially orthogonal directions to reach the aperture" (Flynn p. 7):

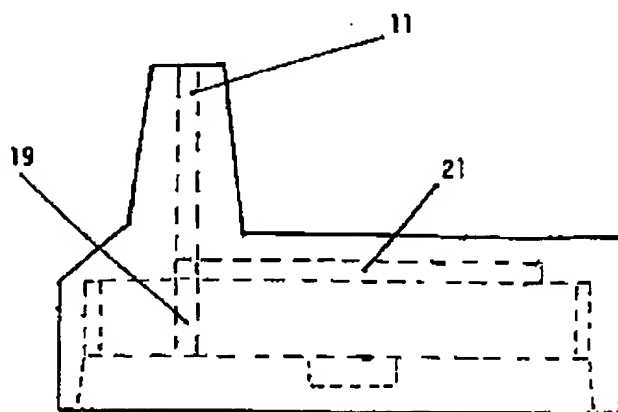
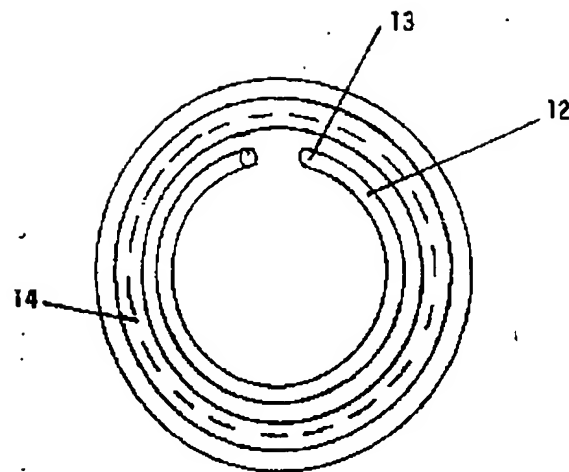


FIG 5



Flynn utilizes these three orthogonal directions of the passageway to prevent the fluid from continuing to flow out of the cup in the absence of suction when the cup is rotated or shaken as described at page 7 of Flynn:

If the cup 1 is shaken or rotated the fluid will be forced along the conduits 11, 19, 21. However, as the fluid travels along the conduits 11, 19, 21 it will reach a conduit portion substantially orthogonal to fluid direction of flow. This portion provides a large flow impedance reducing the velocity of the fluid along the conduit. This flow impedance, combined with the restoring effect of the external air pressure, prevents the fluid from escaping from the cup 1.

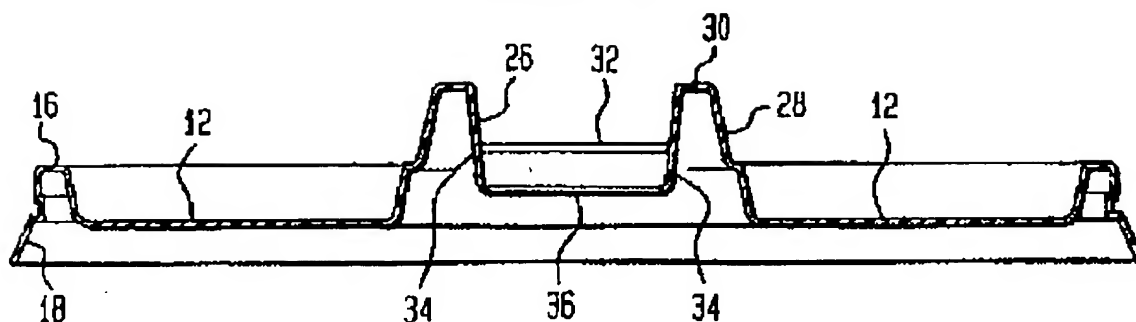
Claims 1, 15, 30 and 53 each have the feature of the passageway having a cross-sectional area that is small enough to substantially prevent air from flowing past fluid in the passageway when the cup is tilted or inverted. As described above, Flynn requires the orthogonal directions of the passageway to prevent fluid flow out of the cup when the cup is rotated or shaken. Claims 2-11, 14, 16-26, 29, 31-41, 44-45, 48

and 54-55 depend from claims 1, 15, 30 and 53, respectively, and, thus, are also not anticipated by Flynn.

The Office Action rejects claims 12, 27 and 42 under 35 U.S.C. §103 as being obvious over Flynn. As described above, Flynn fails to disclose or suggest the feature of claims 12, 27 and 42 of the passageway having a cross-sectional area that is small enough to substantially prevent air from flowing past fluid in the passageway when the cup is tilted or inverted.

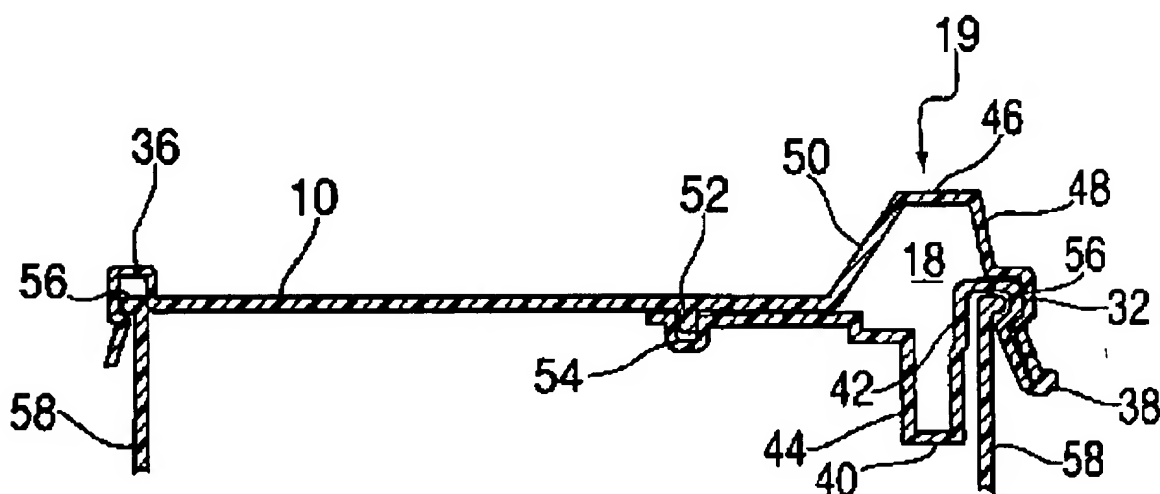
The Office Action rejects claims 46, 47 and 49-52 under 35 U.S.C. §103 as being obvious over Flynn in view of Proshan (US Patent No. 5,538,157) or Lukacevic (U.S. Patent No. 6,811,049). As described above, Flynn fails to disclose or suggest the feature of the passageway having a cross-sectional area that is small enough to substantially prevent air from flowing past fluid in the passageway when the cup is tilted or inverted as in claims 46, 47 and 49-52.

Similarly, both Proshan and Lukacevic fails to disclose or suggest the feature of the passageway having a cross-sectional area that is small enough to substantially prevent air from flowing past fluid in the passageway when the cup is tilted or inverted as in claims 46, 47 and 49-52. Proshan shows a temperature-limiting cap having a raised spout for that purpose:

**FIG. 8**

Proshan does not disclose or suggest a passageway having a cross-sectional area that is small enough to substantially prevent air from flowing past fluid in the passageway when the cup is tilted or inverted as in claims 46, 47 and 49-52.

Lukacevic shows a splash-proof lid assembly that allows a user to rotate the bottom section to the underside of the disc:



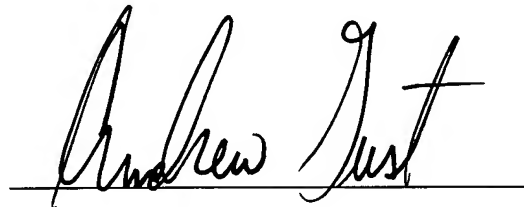
Lukacevic does not disclose or suggest a passageway having a cross-sectional area that is small enough to substantially prevent air from flowing past fluid in the passageway when the

cup is tilted or inverted as in claims 46, 47 and 49-52.

In view of the foregoing, applicant respectfully submits that all claims present in this application are patentable over the cited prior art. Accordingly, applicant respectfully requests favorable reconsideration and withdrawal of the rejections of the claims. Also, applicant respectfully requests that this application be passed to allowance.

Dated

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